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WP-28211-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 17th OF JULY, 2026

WRIT PETITION No. 28211 of 2026

ALOK KUMAR GUPTA

Versus

STATE BAR COUNCIL OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Amitabh Gupta - Advocate for the petitioner.

Shri Satyam Agarwal and Shri Aakash Choudhary - Advocates for the
respondents.
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ORDER

Per. Justice Vinay Saraf.

1. This writ petition is preferred by a practicing lawyer seeking
following reliefs:-

*In view of the submissions made herein above
this Hon'ble Court may kindly be pleased to issue a writ
of mandamus or a writ/order/direction in the nature
thereof, directing Respondent Nos.1 & 2.*

*(a) to comply with Clause 38 of its Election Bye-
Laws by constituting a Returning Officer/Election
Committee from amongst its senior-most members, and
to withdraw the impugned Provisional Voter List*



published on 10/Jul/2026 and undertake the entire process afresh in accordance with law after due verification,

(b) to carry out a Special Intensive Revision/verification of the voter list of Respondent No.2 strictly in accordance with the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015, before finalising or publishing the final voter list and before proceeding further with the election for the term 2026-2028, by appointing one or more senior member(s) of the bar, as returning officer.

(c) to ensure implementation of the principle of "One Bar One Vote" vis-a-vis the Respondent No.3 , Madhya Pradesh High Court Advocates' Bar Association Samiti , notwithstanding its registration as a society and the fact that it is not recognised by Respondent No.1, is a "Bar Association" within the meaning of Rule 4(g) of the 2015 Verification Rules and is treated as such by this Hon'ble Court for all practical purposes, so that no advocate who is a registered voter of Respondent No.3 and/or Respondent No.4 (District Bar Association Jabalpur) shall be permitted to be or continue as a voter of Respondent No.2, and direct that every such advocate be called



upon to exercise a one-time, verifiable option indicating the single Bar Association of which he/she shall remain a voter;

(d) to delete the names of deceased advocates, non- verified/non-practising advocates, and advocates who are voters of Respondent No.3 and/or Respondent No.4, from its voter list of Respondent No.2;

(e) pass any other order(s) or direction(s) as this Hon'ble Court may deem just and proper in the facts and circumstances of the case;

2. Mr. Amitabh Gupta, Advocate appearing on behalf of the petitioner submits that the petitioner is enrolled in MP State Bar Council and is a member of Madhya Pradesh High Court Bar Association, Jabalpur, which is recognized by MP SBC. The petitioner wants to contest for the post of General Secretary in the ensuing election of Bar Association for the period 2026-2028. The petitioner is aggrieved by issuance of provisional voter list by the Office Bearer of Madhya Pradesh High Court Bar Association, Jabalpur for the ensuing election. The allegation of the petitioner is that the outgoing Executive Committee, which has already completed its term on 23rd May 2026, was under obligation to appoint Senior Members of the Bar as Returning Officer at least 45 days prior to the expiry of their terms but they have failed to appoint the Returning Officer till the date of filing the petition and published provisional voter list consisting several names of the Advocates those are members of



Jabalpur District Bar Association, Madhya Pradesh High Court Advocates Bar Association. Several names of deceased Advocates and non-practitioners have also been included in the provisional list, which is in violation of the principle of 'One Bar One Vote', and their names ought to have been removed from the provisional voter list.

3. The petitioner submitted his objections to the provisional voter list, but the objections have not been considered till now and therefore, the petitioner preferred this writ petition seeking direction to the respondent Office Bearers of Madhya Pradesh High Court Bar Association to withdraw the impugned provisional voter list published on 10/07/2026 and undertake the entire process afresh. The petitioner is seeking direction to the State Bar Council for implementing principle of 'One Bar One Vote' and excluding the name of all practitioners those are the members of District Bar Association or the members of respondent No.3 Association/Society.

4. The counsel appearing on behalf of petitioner submits that in past similarly the defective provisional list was issued and the objections submitted by the members of the Association were not considered and the elections were conducted on the basis of defective voter list. Therefore, there are sufficient reasons for the petitioner to approach this Court seeking directions. He has pointed out the provisions of Clause 38 of the Bye-laws of the Association and submits that the appointment of Returning Officer 45 days prior to the expiry of the term of the Executive Body has not been done intentionally and the Executive Body is not complying with the provisions of Clause 38. He prays for issuance of directions to the respondents.



5. We have considered the arguments advanced by the counsel for the petitioner and after considering the various provisions of Bye-laws of the Association, Bar Council of India Certificate and Place of Practice (Verification), Rules 2015, judgment delivered by the Division Bench at Indore in WP No.22635/2017 (PIL) (Amol Shrivastava and another vs. Bar Council of India, decided on 14/2/2018), and the impugned provisional voter list, we are of the view that the apprehension of the petitioner is misplaced as the process of preparation of voter list has been initiated by publishing a provisional voter list. Provisional voter list is always issued for the purpose of inviting the objections and suggestions on the voter list and after receipt of the objections and suggestions, the competent Returning Officer will consider the same and take appropriate decision in accordance with the Rules and thereafter the final voter list will be published by the Returning Officer himself and before finalizing the voter list it is expected that the Returning Officer will call the list of Advocates from State Bar Council, those have opted in their declaration form for casting their votes in Madhya Pradesh High Court Bar Association Jabalpur and after considering all the material, the Returning Officer will finalize the voter list. The Returning Officer is empowered to finalize the voter list even as per the Bye laws of the MP High Court Bar Association (MPHBA), Jabalpur and the present petition is preferred only on the basis of the apprehension of the petitioner that there will be no fair and impartial elections.

6. Merely on the ground that earlier the objections were not considered by the then Returning Officer and elections were conducted on



the basis of the defective voter list, it cannot be presumed that in ensuing elections also, the Returning Officer will not follow the provisions of the regulation and the relevant rules. The interference in the election of the Bar Association should be minimal and it is always expected from the Office Bearers, Returning Officer, Election Officers and the Members of the Association to follow and honor the prevailing rules, regulation and bye-laws, and we hope that the members of MP High Court Bar Association Jabalpur, present Office Bearers, Returning Officer and Election Officers will act in accordance to the bye-laws, regulation and rules. Therefore, at this stage, where only the provisional voter list has been issued, we do not deem it appropriate to interfere in the process. The petitioner is free to raise the objections in accordance with law, and if any such objections are raised by the petitioner, the Returning Officer will decide the objection by passing a speaking order before proceeding further to conduct elections.

7. With the aforesaid, the present petition is disposed of.

(ANAND PATHAK)
JUDGE

(VINAY SARAF)
JUDGE